1: Cunningham G-3 (1846-47) 1854 AJ4 W. Tibetans AJ4



For *Theft* and other crimes, the punishment (*chhad-pa*) was threefold: 1st. *Lús-chhad*, that is, "corporal punishment," or stripes; 2nd. *Nor-chhad*, "property punishment," or fine, which was nearly always taken in goods at a ruinous valuation; 3rd. *Tson-chhad*, "prison-punishment," or imprisonment. 685

The corporal punishment was the same for man and woman. The culprit was placed full-length on the ground, and received the awarded number of stripes on the bare posteriors. This punishment, however, could always be avoided by the payment of a commensurate fine. The punishment by fine was always enforced, except in cases of poverty and absolute inability; but the culprits were made to pay in person by a double amount of stripes for what they were unable to pay in money or in goods. 685 696

In cases of imprisonment the culprits were confined in the *Tson-khang*, or jail, secured with fetters (*skrog*), and superintended by the *Tson-dsi*, or jailer. Theoretically food was allowed during the term of imprisonment; but practically, both in the provinces and in the capital, the prisoners' friends were obliged to supply food to save them from starvation.

In cases of common theft, the stolen property, if recovered, was restored to its owner, and a fine, equal in value to the amount of the stolen goods, was levied on the thief for the benefit of the state. If the property was not recovered, a double fine was levied, one half being given to the robbed party, and the other half to the government. This was the punishment for a first offence. For a second offence the sentence was loss of the left hand; for a third offence, loss of the right hand; 685

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685 and for a fourth offence, death by drowning. These at least were the allotted punishments, and, with the exception of the last, they were generally carried into effect in all cases of robbery of public property or of church goods. But in cases of private robbery the usual influ-
[662] ences had their weight. Near relationship might sway
[557] the judges to a milder sentence; or a fair bribe, judiciously bestowed, might induce the chief Láma of the monastery of Hémis to interfere, by an appeal to the king's mercy, which it was unusual to refuse. A direct appeal could also be made to the king by the prisoner's relatives, on the presentation of an offering of four or five rupees, if the criminal was a poor man, or of fifty to a hundred rupees, if he was a rich man.

684 For *Adultery*, where the woman was the guilty party, the paramour, as in Europe, was fined according to his means, or received an equivalent corporal punishment, while the husband had the option of taking back the woman, if he chose to do so. Or if he did not wish to keep her, he could retain her dowry. When the husband was the guilty party, the wife could demand back her dowry.

683 Common disputes, involving blows and abuse, were settled at once by fines and stripes.

695 In doubtful cases, where the evidence was unsatisfactory, a decision was obtained either by casting lots, or by ordeal. In the latter case, the accused had either to draw a red-hot iron through his hand, or to take a stone out of a pot of boiling oil without injury. In Great Tibet both of these ordeals are practised; but the latter is rendered much more complicated and difficult by the immersion of two stones, one black and the other white,

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in the boiling oil.* The extraction of the *white* stone, with an uninjured hand, is held as a complete proof of innocence; while the extraction of the *black* stone, with uninjured hand, is equivalent to the Scotch verdict of "not proven," of which the accused receives the benefit.

The foregoing is a concise account of the practical laws of Ladák under its native rulers. Amongst a people who were averse to the taking of any animal life, the sentence of death was but seldom enforced; the last case of capital punishment, which was executed in 1845, being the only one during thirty years; and I suspect that even this sentence would not have been carried into effect but for the stern and unbending firmness of *Magna*, the dogra thanadar of Lé. The culprit was a blacksmith of Chachot, who had been repeatedly punished by imprisonment, fines, and stripes, for pilfering the gilt leaves of books from the monasteries and the gilded pinnacles of the *Chodtens*, or mausolea. His last exploit was the entire removal of the copper-gilt pinnacles from the *Chodtens* attached to the large monastery of Hémis. The thanadar was proof against all appeals for mercy, chiefly, I believe, with a view to conciliate the religious brotherhood of Hémis, and partly as a stroke of policy in a newly-conquered country, to exhibit a marked example of unflinching firmness in the execution of the law. As a Hindu, Magna Thanadar was quite indifferent in the matter of life or death. The unfortunate thief was therefore bound hand and foot,

* Fra Orazio, del Regno del Thibet, p. 290. The Capuchin father declares that the Tibetans can save their hands from injury by the use of some secret art (si servono d'un certo secreto, o per arte magica).

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●685 and, with a stone fastened to his neck, was cast headlong into the Indus from the Chachot bridge.

681 The laws of Ladák still continue in force under the rule of Mahárája Gulab Sing, with the single exception of death for the slaughter of kine. This punishment was early carried into effect in some eight or ten cases in the different districts of Ladák. In 1841 and 1842 at Nubra, Chachot, Lé, and Nyimo, single individuals were put to death, and their bodies exposed on gibbets, by Jhandu, the thanadar of Lé, for killing and eating kine. All these were Musulmáns from Balti. In Drás, where all the population are Mahomedans, several were put to death by Gusáun Thanadar for the same cause. The skeleton of the man gibbeted at Lé, in 1841, was still nearly perfect in October 1847, when I saw it.

## IV.—REVENUE.

The chief sources of revenue in Ladák were a tax on property and a duty on merchandise. The tax, called *Khral*, *Thang*, or *Shá*,* was levied on the dwellings and not on the lands; for as the lands did not produce sufficient food for the sustenance of the people, the establishment of a land-tax would have been absurd. The mass [439] of the people obtained their living by the *transport* of wool and other goods *through* their own country, to and from Yarkand and Kashmir. The duties, called *Shogam*, were imposed on merchandise, both imports and exports, and the whole revenue thus obtained was called *Thob-thang*.

The tax on houses was collected partly in kind, *Brú-*

* *Khral*, pronounced *Thal* in some districts, *Thang*, and *dPya*, the last being pronounced *Sha* or *Cha*.

754 a much-traveled friend of Namgyal explained that the disease had an entirely natural cause, the immoderate eating of apricots as well as the uncleanliness of the people: Tsering Putrid stuck to her opinions stubbornly. The lamas were called in, they read, prayed to all the Buddhas and in particular to the medicine Buddha, they presented scattered offerings, and beat their drums--all in vain. Finally a man who had traveled around a great deal with an Indian doctor advised: "Don't give the boy any cow's milk or butter tea to drink any more. Give him thick flour soup and goat's milk to drink, then he'll get better!" The mother followed his advice and gradually he started to improve and finally was cured. For a long time it remained a mystery who had placed the goat's horn under the threshold /131/, and for a long time to come old Tsering Putrid followed Chondsom with hostile looks and allusions, until a woman from a neighboring house told that she had seen a vagabond from Greater Tibet, a Khampa, who went begging from house to house busying himself near Namgyal's house door. Now they remembered the incident. The man had stolen a [685] silver-plated drinking bowl in a neighbor's house; he had been caught and led before Namgyal as the village judge. The latter did not want to see a great trial made of the matter, otherwise he would have had to take the man to Leh himself, a trip of three days, in order to have him sentenced there. He did not want to do that; so he had made a brief procedure of it and had given the thief a sound thrashing with the horsewhip and then had let him go. For this the Khampa had wanted to avenge himself by means of the charm of the goat's horn.

753 Scarcely was the anxiety over the boy's sickness passed, when a new source of concern entered the Dragshos house. The mother of the boy, who had recovered, fell sick of acute pneumonia. The lharje was called in, he gave her medicine, bled the patient, and burned her chest and back with a red-hot iron. But nothing could help her. Again the lamas were called in, in order to ascertain the cause of the illness. For a long time they searched in vain for a tangible cause. "It is simply her karma," they said, "the consequence of sinful deeds which she has committed in past existences, and who knows those!"

The lamas meanwhile searched industriously for the cause of the illness. Usually it turned out that the demons had a hand in the matter despite karma and retribution. They asked the patient and her husband many questions: "Has a stranger come into the house recently, perhaps a 'heathen' (a non-Buddhist), a Mon, a Beda, a Muslim, or perhaps even a Kristan (Christian), or an impure person;

6: Gazetteer G-5 (ca. 1840-1883) 1883-4 AJ4 W. Tibetans AJ4





the face is always marked with lines and wrinkles. In fact, none of them can be said to be handsome, and the old women are quite hideous; the only redeeming point is the look of honesty and smiling good humour to be recognized in almost every countenance. In those parts of Láhaul in which there is most admixture of Hindú blood, the blending of the two types is very clearly distinguishable.

General character of the people of Láhaul and Spiti.

Mr. Lyall thus describes the character of the people of Láhaul and Spiti:—

"The character of the people is solid and conservative; their power of united action is considerable, as will be seen from the description I have given of the arrangements in force with regard to *begár* and common expenses; they seem to me not quick-witted, but eminently shrewd and sensible. Though they show great respect to their hereditary nobles and headmen, they would, I believe, combine at once to resist tyranny or infringement of custom on their part. The headmen have certainly been hitherto very careful not to offend public opinion. They have few ideas in respect of manners; when holding a court or a meeting, I have often seen the whole assembly burst into a roar of laughter on my making a mistake in the language of a ludicrous character, and a man would fill and light his pipe under my nose on similar occasions without thinking of asking leave. But these same people answered all my questions very carefully, and carried out my orders with great fidelity. Murder, theft, or violent assaults are almost unknown among them,* and they seem to me to be fair, and often kind, in their dealings with each other; on the other hand, I agree with Mr. Heyde in considering the standard of sobriety and chastity among them to be exceptionally low. Drinking is a common vice in all cold countries, and the want of chastity is accounted for by the custom of polyandry in Láhaul, and of celibacy of younger sons in Spiti, which leave a large proportion of the women in both countries unmarried all their lives. In spite of these two frailties the Botiás seem to me (like the Scotch country people, who are also subject to them) to be an eminently religious race; they seem to think that to withstand these particular temptations is to be a saint, and that in ordinary men who do not aim so high, to succumb is quite venial. The lives of their saints are full of the most austere acts of virtue and mortification of the flesh commencing from the cradle, which are certainly calculated to make the ordinary mortal abandon the task of imitation in despair; and their religion, though it fails here, has, in my opinion, considerable influence for good in their minds in other respects; more at least than the forms of religion practised by other races, Hindú or Muhammadan, have at the present day in the parts of Hindústan with which I am acquainted. This is not surprising, as the moral teaching to be found in the Buddhist books is of a very high kind: the love of one's neighbour is one of its principles, and this is extended to include even the brute creation. So, again, though good works are balanced against sins, yet their worthlessness, when not done in a humble and reverent spirit, is recognized. In regard to veracity I have found them superior to Hindús; in hearing law

* Of late years the people of lower Pattan, in Láhaul, have got a character for picking and stealing from merchandise in their hands as carriers; but they are a race apart, of mixed blood and religion, descended for the most part from criminals from other countries, who took refuge here from justice in former days. Besides they have been demoralised lately by opportunity and impunity.

19: Asbo- M-3 (no date) 1937 AJ4 W. Tibetans AJ4 Lahul



241 787 before a verdict as to the propitious moment for beginning such occupations is given by the hierarchy, this custom is considerably relaxed in Lahoul, where the community does not pay so much attention to the priestly oracle as do the people living in the more remote valleys of Western Tibet.

*Landmarks.*

423 685 691 Rocks, stones and watercourses serve as landmarks to distinguish between the various farm holdings. When disputes occur, arising out of the removing of rock or stone landmarks, a subordinate in the Government survey department is called in to remeasure the land which is under dispute, and legal proceedings are taken by the offended party.

*Virgin Soil.*

425 When a farmer contemplates cultivating virgin soil he has first of all to consult the wishes of the community, lest he should infringe the rights of communal pasturage, before negotiating with the Government authorities under whose administration he lives. If the community is agreed that [273] there is no encroachment on the pasturage, a beer drinking party for all concerned is arranged at the expense of the farmer, who may then proceed to acquire the prospective piece of waste land from the Government.

*Regulation of Water Supply.*

312 624 An adequate supply of water from rivers, glaciers and accumulations of snow is essential in a practically rainless country such as Western Tibet is. Hence the community is most jealous in protecting its rights over such water supply. Two men (Las-pa) are chosen in rotation yearly by the villagers to supervise the communal water supply.

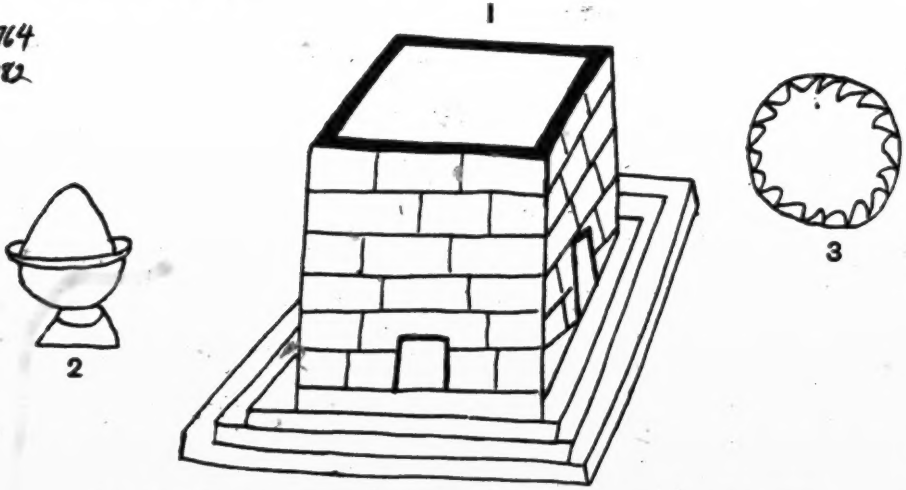
Their duties consist of (1) calling the villagers when the watercourse has to be repaired, (2) collecting beer from each household for the nourishment of about 14 people engaged in the repairs.

In Ladakh the watchers of the water supply are called 'Choo-spon' (lit. Master of the water 241 supply). In cases where there is a communal 312 reservoir for collecting water for the fields, the 'Choo-spons' (usually two or three men) allot the amount of water for each farmstead, and so prevent the possibility of one farmer stealing more water than is his rightful share.

*Arrangement of Fields.*

Owing to the mountainous nature of the

796 782 On the 1st day of the 11th month, each household makes a dough effigy of an ibex (*Skyin*), a cake of unleavened bread with its edges turned up and inwards (*Pe-Rak*), parched barley flour placed in a wooden flour bowl (*Pe-Pud*) is prepared. A vessel of beer (*Nang-mChod*) and one of water (*Chu-Pud*) are also placed alongside of all these offerings, the whole being laid on a shelf in the apartment for three days.




1. ***Dur-Kung***. An earthen cremating oven set up on a plinth of earth. There is an aperture on each of the four sides to allow of ventilation, and ensuring a draught so as to expedite the burning of the corpse which is placed in it in a doubled up posture. The whole is made of dried mud bricks. 2. *Pe-Pud*. An offering of flour. 3. *Pe-Rak*. A cake of unleavened bread with edges turned inwards.

796 574 685 Friends, relations, and neighbours now call on each other carrying with them small vessels of beer and 5, 7, or 9 breads (the taking of six breads being contra-indicated). The children of the village in the meantime make a house to house collection of meat, bread, and other eatables. Whilst the housewife is engaged in producing the food thus claimed, a diversion is afforded when the children surreptitiously steal the *Skyin*, *Pe-Rak*, *Pe-Pud*, *Nang-mChod*, and the *Chu-Pud*, though receiving their ration of food from the incautious housewife.